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Human resources management

Amendments to the Staff Regulations and Rules

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the amendments to the Staff Regulations and Rules (A/73/378). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 2 November 2018.

2. In his report, the Secretary-General indicates that, pursuant to his reports on management reform (A/72/492 and A/72/492/Add.2) and General Assembly resolutions 72/266 A and B, the Secretariat has undertaken a comprehensive review of the complete set of Staff Regulations and Rules to support, according to the report, the "simplified, streamlined and easy to understand and implement" regulatory framework for the management of financial and human resources. It is also indicated in the report that subheadings have been added for each regulation and tables introduced, where possible, while duplications between the Staff Regulations and the Staff Rules, as well as cross-references, have been eliminated where appropriate or feasible. The report further indicates that the text of the Staff Regulations and Rules is proposed to be modified to be gender-inclusive. In addition, substantive changes that, according to the Secretary-General, are within his authority are also being proposed (A/73/378, paras. 1, 2, 6 and 7).

3. **The Advisory Committee notes that the changes are extensive, covering a range of aspects in the regulatory framework pertaining to the management of human resources and spanning all articles and chapters of the Staff Regulations and Rules. The Committee notes that the proposed amendments also include the impact of various General Assembly resolutions pertaining to salaries and conditions of service of staff recommended by the International Civil Service Commission which it considers to be straightforward.**

4. **However, the Advisory Committee considers that the amendments proposed in the report also include: (a) policy amendments on human resources matters that should have been proposed in the context of the human resources policy**

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reports together with information on their anticipated financial implications, if applicable; (b) changes that appear to contradict the understanding that general principles concerning human resources are to be set out in the Staff Regulations while more detailed provisions are to be reflected in the Staff Rules and related administrative instructions; (c) proposed language establishing exceptions that introduce increased discretion and a degree of ambiguity; and (d) editorial or presentational changes that may have policy implications. In addition, in attempting to be comprehensive, the report, in the view of the Committee, has mixed important policy changes with matters of a more stylistic and editorial nature, without indicating the rationale for or the relative importance attached to the numerous changes proposed.

5. Each of the aforementioned observations is illustrated below with specific examples identified in the proposed amendments to the Staff Regulations and Rules. The examples are not exhaustive, but are rather of an illustrative nature.

Policy changes

6. While noting that the Secretary-General can propose changes to the Staff Regulations and implement provisional staff rules and amendments, in accordance with regulations 12.2 and 12.3, the Advisory Committee stresses that some of the amendments proposed in the report would introduce significant changes to the relevant human resources management policies. The Committee considers that such changes should have been presented as additional proposals in the recent reports of the Secretary-General on his human resources policy and strategy (A/73/372 and A/73/372/Add.1), together with further justification and analysis, in order to allow the General Assembly to fully understand the context of the proposals and the consequences of their implementation. Moreover, when the financial implications of the proposed amendments can be foreseen, related estimates should also be submitted for consideration. The substantive amendments include the following:

(a) Special post allowance: the proposed deletion of the provision in staff rule 3.10 (b) stipulating that the special post allowance takes effect from the beginning of the fourth month of service at a higher level would represent a meaningful departure from the current practice, wherein the allowance is paid from the fourth month. The Board of Auditors pointed out in its report on the United Nations for 2017 that, during the biennium 2016–2017, 2,468 temporary assignments involving special post allowance were granted (A/73/5 (Vol. I), chap. II, para. 94). In the view of the Committee, significant financial consequences could be expected if the allowance were to be granted immediately upon the assumption of higher-level functions. The Committee also questions the proposal to rename the special post allowance, "temporary post allowance";

(b) National Professional Officers: the Secretary-General proposes to add the following sentence to rule 4.4 (b): "National Professional Officers may be temporarily assigned outside of the country of their employment to a United Nations field mission for a maximum duration of three months or to any other duty station for a maximum duration of six months under conditions established by the Secretary-General".[1] The Committee is of the view that the assignment of National Professional Officers to a non-field duty station outside of their country of employment for a maximum duration of six months would go beyond the current practice of limiting temporary assignments

[1] The proposed change is aimed at reflecting General Assembly resolution 72/255, in which the guidelines for the use of the National Professional Officer category as recommended by the International Civil Service Commission (A/72/30, annex II) were approved. The guidelines indicate that National Professional Officers may be subject to short-term duty assignments outside of the country of their employment.

of locally recruited staff from peacekeeping missions to field duty stations outside of their country of employment for a maximum duration of three months. The Committee also considers that extending the duration of temporary assignments would entail financial implications and represent a policy change;

(c) Maternity and paternity leave: rule 6.3 (b) (i) stipulates that paternity leave is granted for a period of up to four weeks, as a general rule, and envisages exceptions restrictively: "In the case of internationally recruited staff members serving at a non-family duty station, or in exceptional circumstances as determined by the Secretary-General, leave shall be granted for a total period of up to eight weeks". It is proposed that rule 6.3 (a) (ii) be amended to read as follows: "Staff members other than those [who give birth to a child] may be entitled to a total of up to four or eight weeks [of leave], depending on the circumstances". This formulation appears to suggest a more permissive interpretation of the entitlement, making an eight-week entitlement more commonplace and thereby leading to cost implications;

(d) Special leave: regulation 5.2 stipulates that special leave may be authorized by the Secretary-General in exceptional cases. The proposal is to replace that regulation with a new one, which reads: "Special leave may be authorized under conditions established by the Secretary-General". In the view of the Committee, this change could effectively broaden the scope for granting such leave and thereby lead to an increase in its frequency, with the possibility of additional financial implications.

Level of detail in the Staff Regulations

7. The Secretary-General indicates in his report that article I of the Staff Regulations and chapter I of the Staff Rules, on duties, obligations and privileges, have been reorganized in order to ensure that the general principles are defined in the Regulations and the application of those principles further detailed in the Rules (A/73/378, para. 8). However, some of the proposed changes seem to contradict the stated goal of limiting the content of the Staff Regulations to general principles. For example, the provisions on gifts, remuneration and favours presently contained in rules 1.2 (o) and (p) are proposed to be moved to regulations 1.2 (m) and (n). Such provisions provide, inter alia, that staff members could be expected, from time to time, to attend governmental or other functions, including meals and diplomatic receptions, reflecting a level of detail that is inconsistent with the aforementioned principle.

Exceptions to the Staff Regulations and Rules

8. The Advisory Committee notes several instances in which language establishing exceptions to certain general prohibitions contained in the Staff Regulations and Rules is proposed for adoption. The implementation of those exceptions could, in the view of the Committee, lead to a degree of arbitrariness in decision-making. Examples of proposed exceptions to general prohibitions include the following:

(a) Rule 1.2 (g) indicates that staff members shall not disrupt or otherwise interfere with any meeting or other official activity, including activity in connection with the administration of justice system. The Secretary-General proposes to add the phrase "unless duly authorized". The Committee considers that the proposed amendment is not fully justified and raises more questions than it resolves;

(b) Rule 4.7 (a) states that an appointment shall not be granted to a person who is the father, mother, son, daughter, brother or sister of a staff member. It is proposed that the following caveat be added: "unless another person who is equally well qualified cannot be recruited". While introducing an element of flexibility, the

proposed amendment could expand the scope for granting exceptions and ultimately lead to the hollowing out of the general interdiction;

(c) Rule 7.6 (g) states that for all official travel by air, staff members and their eligible family members shall be provided with economy class transportation in accordance with the most economical route available. It is proposed that this provision be moved to a new rule 7.3 (e) and that the following sentence be added: "Under conditions established by the Secretary-General, such staff members and their eligible family members may be granted a standard of travel immediately below first class". Upon enquiry, the Committee was informed that the proposed addition to staff rule 7.3 (e) did not deal with the existing exceptions to the standards of accommodation for air travel.[2] Therefore, the proposed amendment appears to introduce a new type of exception.

Editorial changes that may have policy implications

9. The Secretary-General indicates that, in an effort to improve the user-friendliness of the text, subheadings for each regulation are proposed to be added. The Advisory Committee considers that, contrary to the stated intention, some of the proposed subheadings lack clarity and could be misleading. For instance, it is proposed that regulations 4.2 and 4.3 be merged and that the subheading: "Principles of selection" be added to the combined regulation. The Committee questions the merging of the two regulations, since current regulation 4.2 is a quotation from the Charter of the United Nations, while regulation 4.3 contains provisions that are stipulated "in accordance with the principles of the Charter". In another instance, it is proposed that current regulations 4.1 and 4.4 be amended to state that Article 101 of the Charter and paragraph 3 of the article, respectively, are specifically "on the employment of staff", while that article of the Charter does not contain such a qualifier.

10. The Advisory Committee considers that the report does not provide sufficient rationale to justify the claim that the proposed additions would clarify or make the text more user-friendly. The insertion of subheadings in the Staff Regulations and Rules may, in the view of the Committee, alter the understanding of the Staff Regulations and Rules by stressing certain elements and introducing ambiguity in others.

Need for the timely treatment of mandatory actions

11. The Advisory Committee notes that the various types of amendments to the Staff Regulations and Rules correspond to different objectives. Certain changes are aimed at incorporating provisions agreed upon by the International Civil Service Commission and/or endorsed by the General Assembly in relation to staff salaries and conditions of service. The Committee takes note of those amendments and considers that they should be separated out for the consideration of the Assembly. Regarding the amendments that entail substantive changes to the human resources policies or those that may have policy implications, the Committee is of the view that additional analysis and justification are required and that they should be proposed in future reports on human resources.

12. **The Advisory Committee recommends that the General Assembly request the Secretary-General to submit a refined report on proposed amendments to the Staff Regulations and Rules, separating out those amendments required to ensure consistency with the decisions of the General Assembly on human resources matters.**

[2] See the latest report of the Secretary-General on the standards of accommodation for air travel (A/72/716).

13. **Going forward, the Advisory Committee is of the view that future reports of the Secretary-General on amendments to the Staff Regulations and Rules should clearly stipulate the rationale for all proposed changes, including making a clearer case for editorial changes intended to improve clarity, simplification and user-friendliness.**